

QUINN EMANUEL URQUHART & SULLIVAN, LLP

Susheel Kirpalani

Robert S. Loigman

Rex Lee

Lindsay M. Weber

51 Madison Avenue, 22nd Floor

New York, New York 10010

Telephone: (212) 849-7000

Telecopier: (212) 849-7100

*Counsel to Joint Liquidators of Kingate Global
Fund Ltd. and Kingate Euro Fund Ltd.*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

FEDERICO CERETTI, *et al.*

Defendants.

Adv. Pro. No. 09-1161 (SMB)

Appeal No. _____

NOTICE OF APPEAL

PLEASE TAKE NOTICE that the Joint Liquidators for defendants Kingate Global Fund Limited and Kingate Euro Fund Limited hereby appeal under 28 U.S.C. § 158(a)(3) to the United States Court for the Southern District of New York, the Honorable Jed S. Rakoff, from the August 21, 2015 Order (the “Order”) (Docket No. 200 in Adv. Pro. No. 09-1161 (SMB)) (attached hereto as Exhibit A) of the United States Bankruptcy Court for the Southern District of New York (the “Bankruptcy Court”) denying in certain respects the Kingate Funds’ motion to dismiss claims brought by plaintiff Irving Picard, the Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC (the “Trustee”). The Order incorporates the Bankruptcy Court’s memorandum decision of August 11, 2015 (the “Decision”) (Docket No. 199 in Adv. Pro. No. 09-1161 (SMB)) (attached hereto as Exhibit B), which sets forth the Bankruptcy Court’s reasoning.

The names of all the relevant parties to the order appealed and the names, addresses and telephone numbers of their respective attorneys are as follows:

| | |
|--|---|
| Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC | Baker & Hostetler LLP David J. Sheehan Gerry Ponto 45 Rockefeller Plaza New York, NY 10111 (212) 589-4200 |
| Kingate Global Fund Limited and Kingate Euro Fund Limited | Quinn Emanuel Urquhart & Sullivan LLP Susheel Kirpalani Robert S. Loigman Rex Lee Lindsay M. Weber 51 Madison Avenue, 22nd Floor New York, New York 10010 (212) 849-7000 |

The names of all the relevant parties to the Bankruptcy Court proceeding, not party to this motion for leave to appeal, and the names, addresses and telephone numbers of their respective attorneys are as follows:

| | |
|--|---|
| Federico Ceretti, Carlo Grosso, FIM Advisers LLP, FIM Limited | Paul, Hastings, Janofsky & Walker LLP Jodi Aileen Kleinick Barry G. Sher Mor Wetzler 75 East 55th Street New York, NY 10022-3205 (212) 318-6000 |
| Citi Hedge Fund Services Limited | Cleary, Gottlieb, Steen & Hamilton Carmine Boccuzzi One Liberty Plaza New York, NY 10006 (212) 225-2000 |
| Ashby Holding Services Limited, First Peninsula, <i>Individually and as Trustees of the Ashby Trust</i> , Ashby Investment Services Limited, <i>Individually and as Trustees of The Ashby Trust</i> , The Ashby Trust, El Praela Group Holding Services, Alpine Trustees Limited, <i>Individually and as Trustees of the El Praela Trust</i> , Port of Hercules Ltd., <i>Individually and as Trustee of the El Praela Trust</i> , El Praela Trading Investments Limited, and El Praela Trust | Freshfields Bruckhaus Deringer US LLP Timothy Harkness 601 Lexington Avenue 31st Floor New York, NY 10022 (212) 277-4000 |

| | |
|----------------------------|---|
| HSBC Bank Bermuda Limited | <p>Cleary Gottlieb Steen & Hamilton LLP Jim Corsiglia David E. Brodsky Marla Decker One Liberty Plaza New York, NY 10006 (212) 225-2427</p> <p>Mello Jones & Martin Andrew Martin Thistle House 4 Burnaby Street Hamilton HM 11 Bermuda 441 2921345</p> |
| Kingate Management Limited | <p>Chaffetz Lindsey LLP Peter R. Chaffetz Andreas A. Frischknecht Erin E. Valentine 505 Fifth Avenue, 4th Floor New York, NY 10017 (212) 257-6960</p> |

DATED: New York, New York
September 4, 2015

QUINN EMANUEL URQUHART &
SULLIVAN, LLP

By: /s/ Robert S. Loigman

Susheel Kirpalani
Robert S. Loigman
Rex Lee
Lindsay M. Weber

51 Madison Avenue, 22nd Floor
New York, New York 10010-1601
(212) 849-7000

*Counsel to Joint Liquidators of Kingate Global
Ltd. and Kingate Euro Ltd.*